

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #4	CCRB Case #: 201706523	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/28/2017 6:00 PM	Location of Incident: [REDACTED]	Precinct: 75	18 Mo. SOL 12/28/2018	EO SOL 12/28/2018	
Date/Time CV Reported Thu, 08/03/2017 11:37 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/09/2017 2:44 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Waite	09649	961434	075 PCT
2. POM Andre Ohara	09483	961031	075 PCT
3. POM Christophe Imperial	12617	956756	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Travis Desouza	09221	950317	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Waite	Abuse: Police Officer Anthony Waite stopped § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Andre Ohara	Abuse: Police Officer Andre O'Hara stopped § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Anthony Waite	Force: Police Officer Anthony Waite used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On August 3, 2017, § 87(2)(b) filed this complaint with IAB by phone. It was received at the CCRB on August 9, 2017.

On June 28, 2017, at approximately 6 p.m., inside of § 87(2)(b) in Brooklyn, § 87(2)(b) argued with § 87(2)(b) the mother of his § 87(2)(b) daughter, § 87(2)(b) § 87(2)(b) exited the apartment, § 87(2)(b) left the apartment shortly after § 87(2)(b) with § 87(2)(b) who he was holding in his arms. As § 87(2)(b) walked into the main hallway of the apartment building, he saw four officers, identified by the investigation as PO Anthony Waite, PO Andre O'Hara, PO Travis DeSouza, and PO Christopher Imperial of the 75 Precinct.

PO Waite and PO O'Hara approached § 87(2)(b) and told him that § 87(2)(b) was accusing him of assaulting her (**Allegations A and B**). PO O'Hara took § 87(2)(b) out of § 87(2)(b)'s arms. PO Waite grabbed § 87(2)(b) by the left arm, took him to the floor, and placed him into handcuffs (**Allegation C**). § 87(2)(b) sustained a four inch by four inch bruise to his upper thigh from landing on the ground, but did not seek medical treatment.

PO O'Hara and PO DeSouza spoke with § 87(2)(b) who recanted her allegations that § 87(2)(b) hit her and pushed her down the stairs. § 87(2)(b) was released. No summonses were issued or arrests made. PO Waite completed a Domestic Incident Report in regards to this incident (BR 01).

§ 87(4-b), § 87(2)(g)

There is no video footage of this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this case.
- As of September 29, 2017, no Notice of Claim has been filed regarding this incident (BR 02).
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (BR 04).
- PO Waite has been a member of the NYPD for one year. There are two prior allegations against him stemming from one complaint, neither of which was substantiated. There are seven allegations stemming from one complaint currently being investigated by the CCRB. § 87(2)(g)
- PO O'Hara has been a member of the NYPD for one year. This is the first complaint against PO O'Hara. There are two allegations stemming from one complaint currently being investigated by the CCRB.
- PO DeSouza has been a member of the NYPD for six years. This is the first complaint against PO DeSouza.

- PO Imperial has been a member of the NYPD for three years. This is the first complaint against PO Imperial.

Potential Issues

- § 87(2)(b) (BR 06) thought that the people living in § 87(2)(b) in § 87(2)(b) in Brooklyn might have witnessed the incident. On August 30, 2017, field work was done at the location, and all four apartments on the first floor were visited. Residents in apartments § 87(2)(b) confirmed that they did not witness the incident. A please call letter and business card were left under the door of apartment § 87(2)(b) however, no one from this apartment subsequently contacted the CCRB. The resident in apartment § 87(2)(b) § 87(2)(b) stated that she had witnessed the incident but that she would not provide a statement unless § 87(2)(b) gave her permission to do so. The CCRB's contact information was left with § 87(2)(b) Between September 1, 2017, and September 14, 2017, five calls were placed to the number § 87(2)(b) provided to the field investigator, all of which rang with no answer, and no messages could be left. During that same time period, two letters were sent to § 87(2)(b) none of which was returned as undeliverable. As such, no witness statements were obtained.
- On August 15, 2017, the management company for § 87(2)(b) confirmed that the video cameras at the location were not functioning at the time of the incident. As such, no video was obtained in regards to this incident.

Findings and Recommendations

Allegations not pleaded

- **Discourtesy** – In his initial phone statement to intake (BR 05), § 87(2)(b) alleged that an officer told him, “A lot of guys get locked up for domestic on stupid shit.” § 87(2)(b) did not repeat this allegation during his sworn CCRB statement. As such, a corresponding allegation has not been pled.
- **Property Damage** – § 87(2)(b) alleged that his phone, which was in his front pants pocket, broke when PO Waite took him to the ground. Because the damaged occurred as a direct result of the alleged force, it has been subsumed under Allegation C.
- § 87(4-b), § 87(2)(g) [REDACTED]
- § 87(4-b), § 87(2)(g) [REDACTED]

Allegation A – Abuse of Authority: Police Officer Anthony Waite stopped § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Andre O’Hara stopped § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Anthony Waite used physical force against § 87(2)(b)

It is undisputed that PO Waite and PO O’Hara stopped § 87(2)(b). The surrounding circumstances are in dispute. It is also undisputed that PO Waite placed § 87(2)(b) into handcuffs. The justification and means by which this was done are in dispute.

On June 28, 2017, § 87(2)(b) (BR 06), who could not remember what he was wearing at the time, was inside of § 87(2)(b) at § 87(2)(b) in Brooklyn arguing with § 87(2)(b) the mother of his § 87(2)(b)-old daughter, § 87(2)(b). § 87(2)(b) wanted to take § 87(2)(b) out of state, and § 87(2)(b) did not want him to do so. The argument was verbally heated but not physical.

After arguing for approximately five minutes, § 87(2)(b) exited the apartment and yelled to the neighbors for help, claiming that § 87(2)(b) had hit her. § 87(2)(b) remained inside the apartment and got § 87(2)(b) dressed and ready to leave with him. § 87(2)(b) picked § 87(2)(b) up and held her balanced on his hip as he walked down the stairs to the lobby.

When § 87(2)(b) got to the lobby, he saw approximately six officers entering the apartment building through the front door and walking up a small flight of stairs onto the main lobby floor. Two officers, identified by the investigation as PO Waite and PO O’Hara, approached § 87(2)(b). PO O’Hara told § 87(2)(b) that § 87(2)(b) who was outside of the apartment building, was saying that § 87(2)(b) had hit her and pushed her down the stairs. PO O’Hara added that he needed to take § 87(2)(b) away from § 87(2)(b).

§ 87(2)(b) tried to explain to PO O’Hara and PO Waite that he had done nothing wrong and that § 87(2)(b) has filed multiple false complaints against him. § 87(2)(b) was speaking loudly but was standing still and not moving his hands because he was holding § 87(2)(b) and wanted to keep her safe. PO O’Hara came up to § 87(2)(b), grabbed § 87(2)(b) out of § 87(2)(b)’s arms, and walked to the back of the lobby by the staircase. § 87(2)(b) let PO O’Hara take § 87(2)(b) without any resistance because he did not want her to get hurt.

As soon as § 87(2)(b) had been removed from § 87(2)(b)’s arms, PO Waite, who was facing § 87(2)(b), grabbed § 87(2)(b)’s left forearm with his left hand and crossed in front of and around § 87(2)(b) so that he was standing behind § 87(2)(b) while still holding § 87(2)(b)’s left arm. PO Waite grabbed § 87(2)(b)’s right arm and, as he held both of § 87(2)(b)’s hands behind his back, lifted § 87(2)(b) up off of the ground and brought § 87(2)(b) down to the ground. The movement happened very quickly, so § 87(2)(b) was not sure of the exact movements PO Waite used to take him to the ground, but noted that he was lifted up and not tripped. § 87(2)(b) was not physically resisting PO Waite in any way whatsoever.

§ 87(2)(b) landed on the front of his upper right thigh, which resulted in a bruise that was approximately three inches § 87(2)(b) by five inches wide. § 87(2)(b) was lying face down on the ground with his legs, chest, and lower jaw against the floor. PO Waite placed his knee on § 87(2)(b)’s lower back just above the tailbone and put § 87(2)(b) into handcuffs. This did not cause

§ 87(2)(b) any further pain, and PO Waite moved his knee as soon as § 87(2)(b) was in the handcuffs. § 87(2)(b) never sought medical attention.

PO Waite stood § 87(2)(b) up and sat him on the bottom steps of the staircase at the back of the lobby. PO Imperial went upstairs to speak with § 87(2)(b) and PO Waite and PO O'Hara stayed with § 87(2)(b). The other officers stood at the other end of the lobby by the front door and did not interact with § 87(2)(b).

After approximately 5 minutes, PO Imperial came back and told PO Waite and PO O'Hara that § 87(2)(b) had recanted her allegations of assault and that they should release § 87(2)(b). PO Imperial then left the location. PO Waite removed the handcuffs from § 87(2)(b)'s wrists, and he and PO O'Hara apologized to § 87(2)(b) by explaining that when they respond to domestic incident calls, the general procedure is to arrest the alleged perpetrator. PO Waite and PO O'Hara went with § 87(2)(b) up to his apartment so that he could retrieve some of his personal property. After doing so, § 87(2)(b), PO Waite, and PO O'Hara all left the location without further incident.

PO Waite (BR 07) and his partner, PO O'Hara, received a radio call for a domestic incident in progress at § 87(2)(b). PO Waite could not remember what specific details were given at that time or if a description of § 87(2)(b) was provided.

PO Waite and PO O'Hara arrived at the location along with PO DeSouza and PO Imperial and saw § 87(2)(b) standing outside of the apartment building. PO Waite and PO O'Hara approached § 87(2)(b) who was crying, and she told them that § 87(2)(b) had hit her and pushed her down a flight of stairs, causing her to bang her head. § 87(2)(b)'s hair was messy and her clothes were disheveled, so it appeared to PO Waite that she had been involved in a physical altercation of some sort. § 87(2)(b) also said that § 87(2)(b) was locked inside of her apartment with their child and would not let her enter.

Based on § 87(2)(b)'s statement that § 87(2)(b) had hit her and pushed her down the stairs, her appearance, and her demeanor, PO Waite and PO O'Hara jointly decided that § 87(2)(b) was under arrest for assaulting § 87(2)(b). Thinking that § 87(2)(b) was in the upstairs apartment, PO Waite and PO O'Hara planned to enter the building, go to the apartment, and place § 87(2)(b) under arrest.

PO Waite, PO O'Hara, PO DeSouza, and PO Imperial entered the building with § 87(2)(b) and saw § 87(2)(b) standing in the middle of the hallway holding § 87(2)(b) against his chest. § 87(2)(b) pointed to § 87(2)(b) and identified him to PO Waite as the man who had hit her and pushed her down the stairs. PO Waite could not remember what § 87(2)(b) was wearing nor could he describe § 87(2)(b)'s demeanor.

PO Waite could not remember if any verbal commands were issued to § 87(2)(b) as he and PO O'Hara approached § 87(2)(b). When PO Waite came up to § 87(2)(b), § 87(2)(b) handed § 87(2)(b) to him. PO Waite could not remember if § 87(2)(b) was asked to hand over § 87(2)(b) or if § 87(2)(b) did this unbidden. PO Waite immediately handed § 87(2)(b) to § 87(2)(b).

§ 87(2)(b) and PO O'Hara then walked to the back of the lobby and started walking up a staircase to her apartment.

PO Waite was standing in front of § 87(2)(b) and began to question him about what had happened between him and § 87(2)(b). PO DeSouza and PO Imperial were behind PO Waite and to his left, closer to the front door of the building. § 87(2)(b) would not make eye contact, was stuttering, and could not speak clearly in reply to the questions that PO Waite was asking.

§ 87(2)(b) without warning, ran approximately five feet forward past PO Waite and directly into PO DeSouza and PO Imperial. PO Waite turned around and grabbed § 87(2)(b). Either PO DeSouza or PO Imperial also grabbed § 87(2)(b). PO Waite could not remember what part of § 87(2)(b)'s body he and the other officer grabbed. As § 87(2)(b) tried to run towards the door, he fell towards the ground because his forward momentum was abruptly halted when PO Waite and PO DeSouza or PO Imperial grabbed him. § 87(2)(b) landed on his side. PO Waite went to the ground with § 87(2)(b) and was able to get one of § 87(2)(b)'s hands into the handcuffs with the assistance of either PO DeSouza or PO Imperial. § 87(2)(b) tensed his arms and would not let the officers place his other hand into the handcuffs. § 87(2)(b) did not resist in any other way. PO Waite could not remember if any verbal commands were issued to § 87(2)(b) at this time.

PO Waite lifted § 87(2)(b) up off of the floor and stood him up against the wall. PO Waite could not remember if another officer helped him do this or how specifically he lifted § 87(2)(b) up. PO Waite, PO DeSouza, PO Imperial, and PO O'Hara, who had come down the stairs when he heard the commotion of § 87(2)(b) trying to run, were able to all collectively get § 87(2)(b)'s other hand into the handcuff.

PO Waite sat § 87(2)(b) down on the staircase at the back of the lobby and tried to calm § 87(2)(b) who was still stuttering and refusing to make eye contact. PO Waite and PO Imperial stayed with § 87(2)(b) while PO O'Hara and PO DeSouza went upstairs to speak with § 87(2)(b). While PO Waite was standing with § 87(2)(b) did not complain of any injuries or pain.

After a few minutes, an officer – PO Waite could not remember who – came downstairs and told him that § 87(2)(b) had changed her story and that PO Waite should follow up with her. PO Waite went upstairs to speak with § 87(2)(b) who was in her apartment with PO O'Hara. § 87(2)(b) told PO Waite that she did not want to press charges against § 87(2)(b) and only wanted him to leave the location. § 87(2)(b) recanted her allegation that § 87(2)(b) had pushed her down the stairs. Because § 87(2)(b) was no longer claiming that § 87(2)(b) had assaulted her, PO Waite decided that § 87(2)(b) was no longer under arrest.

PO Waite filled out a Domestic Incident Report (BR 01) in the apartment and then went downstairs to explain the situation to § 87(2)(b). § 87(2)(b) said that he understood the situation and asked if he could get some things from his apartment. PO Waite went back upstairs to see if § 87(2)(b) would allow § 87(2)(b) into the apartment for the purposes of getting his belongings. § 87(2)(b) agreed and PO Waite and PO O'Hara escorted § 87(2)(b) who had been released from his handcuffs, up to the apartment where he gathered a few items. § 87(2)(b) then left the location without further incident.

§ 87(2)(g)

§ 87(2)(b) provided PO O'Hara and PO Waite with a description of § 87(2)(b) prior to entering the apartment building. Based on § 87(2)(b)'s statement, PO O'Hara did not consider § 87(2)(b) to be under arrest. However, he and PO Waite wanted to speak to § 87(2)(b) to further investigate the situation.

PO O'Hara and PO Waite entered the apartment building with § 87(2)(b) and PO DeSouza and PO Imperial followed behind them. Upon entry, PO O'Hara did not see anyone in the lobby, so he and PO Waite walked to the back of the lobby, where they saw § 87(2)(b) walking down a flight of stairs while holding § 87(2)(b).

As PO O'Hara, PO Waite, PO DeSouza, and PO Imperial approached § 87(2)(b), PO O'Hara heard PO Waite, PO DeSouza, and PO Imperial talking to § 87(2)(b) but could not remember what was said. At the same time, § 87(2)(b) positively identified § 87(2)(b) to the officers as the individual who had hit her and pushed her down the stairs. § 87(2)(b) was fidgety, would not make eye contact with the officers, and acted as though he wanted to keep walking past the officers. When § 87(2)(b) heard verbal commands – PO O'Hara could not remember the specific commands – § 87(2)(b) stopped walking and stood by the base of the staircase.

§ 87(2)(b) handed § 87(2)(b) to PO Waite without having been told to do so. Once § 87(2)(b) had hold of § 87(2)(b) she told PO O'Hara that she had another child in her apartment, so she and PO O'Hara walked up the staircase so that they could check on the other child's wellbeing. As PO O'Hara was ascending the staircase with § 87(2)(b) he could hear officers speaking with § 87(2)(b) although he could not discern what was being said. After a few seconds, it got quiet. Almost immediately, PO O'Hara heard footsteps and what sounded to PO O'Hara like people grabbing at each other.

PO O'Hara ran back downstairs to see what was going on. When he reached the bottom of the staircase, he saw § 87(2)(b) standing up with his face against the wall surrounded by PO Waite, PO DeSouza, and PO Imperial. § 87(2)(b) was already in handcuffs by the time PO O'Hara came down the stairs. PO O'Hara did not see § 87(2)(b) fall to the ground, nor was he ever informed of the means by which § 87(2)(b) was placed into the handcuffs.

§ 87(2)(b) was in handcuffs because PO Waite, PO DeSouza, and PO Imperial needed to detain § 87(2)(b) so that they could further investigate § 87(2)(b)'s allegations against him. After the incident was over, PO Waite explained to PO O'Hara that § 87(2)(b) had been put into handcuffs because he had tried to flee by pushing past PO Waite, PO DeSouza, and PO Imperial.

PO O'Hara and PO DeSouza went upstairs to speak with § 87(2)(b) and PO Waite and PO Imperial stayed with § 87(2)(b). § 87(2)(b) told PO O'Hara and PO DeSouza that she was no longer in pain and that she wanted § 87(2)(b) to leave the location. PO O'Hara and PO DeSouza filled out the Domestic Incident Report and then went downstairs to speak with § 87(2)(b) about the situation.

§ 87(2)(g)

PO DeSouza heard a radio call for an assault in progress and noted that PO Waite and PO O'Hara were responding. PO DeSouza and PO Imperial decided to respond as well to provide backup. When they arrived, PO Waite and PO O'Hara were already inside the apartment building. § 87(2)(b) was standing outside of the building and waved PO DeSouza and PO Imperial over to her. She did not appear injured but was waving her hands around and speaking in a high-pitched tone of voice.

PO DeSouza, PO Imperial, and § 87(2)(b) walked into the apartment building together, and PO DeSouza saw § 87(2)(b) standing approximately 15 feet away in the center of the lobby speaking with PO Waite and PO O'Hara. PO DeSouza did not see a child anywhere. § 87(2)(b) was panting and sweating but did not appear to be injured. PO DeSouza could not hear what was being said between § 87(2)(b) PO Waite, and PO O'Hara.

§ 87(2)(b) made a few quick steps away from PO Waite and PO O'Hara and then ran directly into PO DeSouza. PO DeSouza raised his hands up to chest level, and § 87(2)(b) ran into PO DeSouza such that PO DeSouza's hands were pressed flat against § 87(2)(b)'s upper chest area. PO Waite and PO O'Hara, who were behind § 87(2)(b) were able to get hold of § 87(2)(b)'s hands and held them behind § 87(2)(b)'s back. Either PO Waite or PO O'Hara placed § 87(2)(b) into handcuffs while § 87(2)(b) was standing up. § 87(2)(b) did not fall to the ground. § 87(2)(b) was placed into handcuffs because § 87(2)(b) had identified him as the person who had assaulted her and it was necessary for officers to conduct a further investigation into the situation. § 87(2)(b) was not considered to be under arrest, but rather detained for investigatory purposes.

PO DeSouza and PO Imperial went upstairs to speak with § 87(2)(b) who stated that she did not want to press charges against § 87(2)(b). PO DeSouza relayed this information to PO Waite, and § 87(2)(b) was released.

§ 87(2)(g)

PO Imperial could not be certain of the details of the radio call. When PO Imperial and PO DeSouza arrived at the location, PO Waite and PO O'Hara were walking up to the front door of the building. PO Waite and PO O'Hara waited at the front door for PO Imperial and PO DeSouza to reach them. PO Imperial never saw § 87(2)(b) at the location.

§ 87(2)(b) was walking down the staircase when the officers walked in. § 87(2)(b) did not have a child with him. When § 87(2)(b) first saw the officers, he moved to the right side of the hallway and walked as close to the wall as possible, quickening his pace. PO Waite and PO O'Hara stopped § 87(2)(b). PO Imperial could not remember what they said to make § 87(2)(b) stop but indicated that it was along the lines of, "Stop," or, "Don't move." At first § 87(2)(b) ignored the verbal commands, but PO Imperial thought that it was possible that § 87(2)(b) did not hear the first instruction. PO Waite and PO O'Hara repeated their verbal commands, and § 87(2)(b) then stopped.

PO Imperial and PO DeSouza were standing by the front door behind PO Waite and PO O'Hara, who were asking § 87(2)(b) where he was coming from and other general pedigree information. § 87(2)(b) was hesitant to provide answers, saying only that he was coming from a friend's apartment. § 87(2)(b)'s voice was shaky, his eyes kept darting around, and he would not focus on one individual officer. After about one minute, PO Waite and PO O'Hara asked § 87(2)(b) for identification. § 87(2)(b) reached for his back pocket as though he was about to pull out his identification; instead, he fled past PO Waite and PO O'Hara in the direction of the front door at a sprint.

PO Waite turned around and was able to get partial hold of § 87(2)(b) by the back or top of his shirt, but did not manage to get a secure grip. § 87(2)(b) continued to flee and bumped into PO Imperial's right arm. PO Imperial thought that he might have made a move to try to grab § 87(2)(b) but could not be sure if he made physical contact with him. § 87(2)(b) then ran into PO DeSouza, who was standing next to PO Imperial, making contact with his chest against PO DeSouza's body. PO DeSouza took a few steps backwards.

§ 87(2)(b)'s collision with PO DeSouza slowed § 87(2)(b) down enough such that PO Waite was able to grab one of § 87(2)(b)'s upper arms. PO Waite instructed § 87(2)(b) to put his hands behind his back. PO Waite was able to control one of § 87(2)(b)'s arms. § 87(2)(b) shifted his shoulders and wriggled his arms in an effort to break free. PO O'Hara came to aide PO Waite by grabbing hold of § 87(2)(b)'s unsecured arm. PO Waite and PO O'Hara told § 87(2)(b) to stop resisting and to place his hands behind his back.

§ 87(2)(b) continued to move his shoulders and wriggle his arms. Either before or just after PO O'Hara grabbed § 87(2)(b)'s arms, § 87(2)(b) dropped himself to the ground by bending at the knees and falling forward in an effort to resist being placed into handcuffs. Once § 87(2)(b) was on the ground, PO Waite and PO O'Hara held him in place and, because he could not move, § 87(2)(b) stopped resisting. PO Waite and PO O'Hara were then able to place § 87(2)(b) into handcuffs.

PO O'Hara and PO DeSouza went upstairs to speak with § 87(2)(b) and PO Waite and PO Imperial stayed with § 87(2)(b). When they came back down stairs, PO O'Hara and PO DeSouza told § 87(2)(b) that § 87(2)(b) did not want to press charges and only wanted him to leave the location. PO Waite explained to § 87(2)(b) that he had been stopped because he matched the description provided by § 87(2)(b). Hearing this, § 87(2)(b) said that he understood the situation and apologized to the officers for attempting to run away.

According to the EVENT (BR 11), § 87(2)(b) called 911 at 6 p.m. and reported that her child's father § 87(2)(b) had assaulted her and that he was inside her apartment with her children. § 87(2)(b) described § 87(2)(b) as a black male wearing a white t-shirt and gray sweatpants. She said that § 87(2)(b) did not have any weapons and that she had not sustained any injuries.

The Domestic Incident Report (BR 01), completed by PO Waite, stated that § 87(2)(b) and § 87(2)(b) were arguing about their child. § 87(2)(b) said that § 87(2)(b) grabbed her hair, and,

while she was trying to get away from § 87(2)(b) she fell down the stairs. § 87(2)(b) had no visible injuries, no pain, and refused medical attention. § 87(2)(b) left the location after speaking with the police.

New York State Criminal Procedure Law section 120.00 (BR 13) states that a person is guilty of assault when, with intent to cause physical injury to another person, he causes such injury to such person or to a third person, or he recklessly causes physical injury to another person, or, with criminal negligence, he causes physical injury to another person by means of a deadly weapon or a dangerous instrument.

In People v. Harris, 175 A.D.2d 713 (1991) (BR 15) the court held that an officer had reasonable suspicion to stop and detain an individual based on an eyewitness description of the individual and the officer's observations of the individual.

Patrol Guide Procedure 212-11 (BR 17) states that a stop may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a felony or Penal Law misdemeanor. The police officer may ask questions and detain the person while an expeditious investigation is conducted to determine if there is probable cause to arrest the person.

Patrol Guide Procedure 221-01 (BR 20) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all § 87(2)(b)

§ 87(2)(b) accused § 87(2)(b) of physical assault in her call to 911 and provided a description of him to the operator, information which was received via radio by PO Waite, PO O'Hara, PO DeSouza, and PO Imperial prior to their arrival at the location. § 87(2)(g)

§ 87(2)(b) alleged that PO Waite took him to the ground without any physical provocation on his part. According to PO Waite's testimony, he took § 87(2)(b) down to the ground because § 87(2)(b) tried to flee the location. § 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Squad: 4

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date